

Appl. No. 10/083,823
Reply to Office Action Dated May 10, 2006

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REMARKS

With the foregoing amendment claims 2, 4-7, 9-11, 13, 14, 16-32, and 34-35, are pending in the application. Claims 6, 10, 14, 21, 25, and 27 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

I. Allowable Subject Matter

Applicants wish to thank the Examiner for indicating that claims 21-34 are allowed. Additionally, Applicants wish to thank the Examiner for indicating that claims 7, 11, and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

II. Claim Rejection(s) Under 35 U.S.C. § 103

Claims 2, 4-6, 9, 10, 13, 14, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sugimoto in view of Hirasawa. Claims 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sugimoto in view of Hirasawa and further in view of Niikawa. Applicant respectfully disagrees.

Independent Claims 6 and 14

Claims 6 and 14, as now amended, are patentable over Sugimoto in view of Hirasawa because neither Sugimoto nor Hirasawa, teach or suggest all of the features of claims 6 and 14. For example, at the least, neither Sugimoto nor Hirasawa suggest providing "a status display control device ... that enables a user of the image capturing device to manually move said status information vertically and/or horizontally to substantially any position within said camera-back display," as is now required in claims 6 and 14.

Hirasawa describes a "selection apparatus" (Col. 2, Line 54) used for navigating menus and selecting particular functions using a combination of a "line-of-sight position detecting means" (Col. 2, Line 60) that determines where the user is looking within the

*Appl. No. 10/083,823
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viewfinder and an “input means by which the operator inputs instructions to the apparatus.” (Col.2, Lines 61-62). The line-of-sight selection apparatus defined by Hirasawa allows a user to reposition the menu between only nine predefined areas on the screen. (Fig. 19; Col. 17, Lines 27-32; Col. 15, Lines 61-67, Col. 16 Lines 1-17). On the other hand, claims 6 and 14 provide for the manual movement of the status display “vertically and/or horizontally to substantially any position of the display,” with no limitation on where the menu can be placed. This increased flexibility is a significant improvement over Hirasawa, which only allows a user to place the menu in one of nine positions.

Accordingly, neither Sugimoto nor Hirasawa considered alone or in combination, teach or suggest all of the features of claims 6 and 14. Hence, claims 6 and 14 are patentable over these two references.

Furthermore, while Hirasawa teaches allowing a user to move menus to various positions within the viewfinder, it does not teach or suggest performing this movement to avoid obstructing or interfering with the image the user wishes to capture. The complete portion of the specification cited by the Office as offering motivation for one of ordinary skill in the art to combine with Sugimoto to form the present invention states that:

there is no need to constantly display the function menus in the finder. If constantly displayed in the finder, the menus would become a nuisance to the user, who keeps looking through the finder throughout the operation. Further, for the function menus to be displayed in the finder in such a way as not to be an obstacle to the operation the user performs while looking through the finder, the number of function menus must be limited.

(Hirasawa, Col 2., Lines 35-45) (emphasis added). Accordingly, while Hirasawa identifies the potential problem of a menu display interfering with the image being displayed, Hirasawa’s solutions to this problem (i.e., limiting the number of menu options and allowing the menu option to be toggled off) do not include or suggest allowing the user to manually move the menu in order to prevent interference with the displayed image. The fact that Hirasawa identifies the problem of the menu interfering with the image being viewed, but does not suggest allowing the user to manually move the menu to solve this problem is

Appl. No. 10/083,823
Reply to Office Action Dated May 10, 2006

evidence that claims 6 and 14 would not have been obvious to a person having ordinary skill in the art at the time of the invention.

In other words, the Office has not established a *prima facie* case of obviousness because the Office has not established that there exists "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify" Sugimoto based on the teachings of Hirasawa. Therefore, the rejection of claims 6 and 14 (and all of the claims that depend therefrom) should be withdrawn.

Independent Claim 10

Claim 10, as now amended, is patentable over Sugimoto in view of Hirasawa because neither Sugimoto nor Hirasawa, teach or suggest all of the features of claim 10. For example, at the least, neither Sugimoto nor Hirasawa suggest providing "a status display control device capable of accepting user inputs and enabling a user of the image capturing device to manually move the status information vertically and/or horizontally within said camera-back display, where said control device is an electro-mechanical switch located on said back region."

Hirasawa describes a "selection apparatus" (Col. 2, Line 54) used for navigating menus and selecting particular functions using a combination of a "line-of-sight position detecting means" (Col.2 , Line 60) which determines where the user is looking within the viewfinder and an "input means by which the operator inputs instructions to the apparatus." (Col.2, Lines 61-62).

The line-of-sight selection apparatus, which allows a user to reposition the menu in Hirasawa, is incorporated into the eyepiece of the viewfinder and functions by detecting "the line of sight of the photographer on the basis of the electric signal supplied from the photoelectric conversion element ... so as to detect at what section of the monitor ... the photographer is gazing." (Col. 5, Lines 31-50). Thus, Hirasawa does not teach or suggest the electro-mechanical switch, located on the back region of the image capturing device, as required by claim 10.

Sugimoto does not make up for the deficient teachings of Hirasawa. Sugimoto

Appl. No. 10/083,823
Reply to Office Action Dated May 10, 2006

describes a "cross button" located on the rear of the camera which is used to control and select various functions, but does not disclose utilizing this button to reposition the menu within the display screen to avoid interfering with the displayed image.

Accordingly, neither Sugimoto nor Hirasawa considered alone or in combination, teach or suggest all of the features of claim 10. Hence, claim 10 is patentable over these two references.

Furthermore, as discussed above, Hirasawa identifies the problem of the menu interfering with the image being viewed, but does not suggest allowing the user to manually move the menu as one of the possible solutions to this problem. In other words, the Office has not established a *prima facie* case of obviousness because the Office has not established that there exists "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify" Sugimoto based on the teachings of Hirasawa. Thus, the rejection of claim 10 (and all of the claims that depend therefrom) should be withdrawn.

Dependent Claims 2, 4, 5, 13, 17, and 18-20

Claims 2, 4, 5, 13, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sugimoto in view of Hirasawa. Claims 2, 4, 5 depend from claim 6, and claims 13, 17 depend from claim 10. Accordingly, claims 2, 4, 5, 13, and 17 are patentable for at least the reasons given above.

Claims 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sugimoto in view of Hirasawa and further in view of Niikawa et al. Applicants respectfully traverse. Claims 18-20 depend from claim 14. Accordingly, claims 18-20 are patentable for at least the reasons given above.


CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be

*Appl. No. 10/083,823
Reply to Office Action Dated May 10, 2006*

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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